

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE:

J.A.R. CONCRETE, INC.,

Debtor.

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THE RICARDO CORDOVA LIVING  
TRUST  
FBO ALEC JULIAN HERRERA

Movant,

v.

J.A.R. CONCRETE, INC.,

Debtor.

Case No. 23-30242-HCM  
Chapter 11

**MOTION FOR RELIEF FROM STAY  
AGAINST PROPERTY OF THE ESTATE AND WAIVER OF 30-DAY  
REQUIREMENT  
OR IN THE ALTERNATIVE, FOR ADEQUATE PROTECTION**

This pleading requests relief that may be adverse to your interests.

If no timely response is filed within fourteen (14) days from the date of service, the relief requested herein may be granted without a hearing being held.

A timely filed response is necessary for a hearing to be held.

**TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES  
BANKRUPTCY JUDGE:**

Comes now The Ricardo Cordova Living Trust FBO Alec Julian Herrera ("Cordova Living Trust"), a secured creditor and party-in-interest in this Chapter 11 case, and files this Motion of Cordova Living Trust for Relief from Stay Against Property of the Estate and Waiver of 30-Day Requirement (the "Motion") pursuant to § 362(d) of the Bankruptcy Code, and in support thereof would respectfully show the Court as follows:

1. The Debtor J.A.R. Concrete, Inc. ("JAR"), filed for relief under Chapter 11 of the Bankruptcy Code on March 14, 2023 (the "Petition Date"), and remain operating as Debtor-in-Possession.

***Basis for Cordova Living Trust Secured Claim***

2. JAR is indebted to Cordova Living Trust pursuant to a Promissory Note Security Agreement dated October 7, 2022 (the "Contract"). The balance owing on the Contract on the Petition Date was \$75,000.00. A copy of the Contract is attached to this Motion as **Exhibit "A"** and incorporated herein for all purposes.

***Collateral for Contract***

3. The Contract is secured pursuant by the following equipment as further described within it –

a). 2020 XL Specialized 55 Ton Haul Trailer VIN 4U3J05338LL018942;

(the "Collateral"). The described collateral appears to be omitted from Debtor's property schedules and the transfer of title is omitted from Debtor's Statement of Financial Affairs.

***Lien Perfection***

4. A Texas Certificate of Title for the Collateral was tendered to Cordova Living Trust on October 7, 2022 bearing the signature of the President and Sole Shareholder of JAR Concrete, Inc., Joe A. Rosales, Jr. A copy of the Certificate of Title is attached to this Motion as **Exhibit "B"** and incorporated herein for all purposes.

**II. Relief Requested**

5. Cordova Living Trust seeks relief from the automatic stay pursuant to § 362(d)(1)

for cause. Cordova Living Trust is not receiving adequate protection payments and such payments have not been proposed. The Collateral is depreciating in value and is presumably being used. Further, the debt was due to be paid in full on or before November 7, 2023, one month after the contract was executed and nothing has been paid to Cordova Living Trust as of yet.

6. In the alternative, Cordova Living Trust seeks adequate protection of its security interest to include periodic adequate protection payments and a requirement that JAR maintain insurance on the Collateral.

7. Cordova Living Trust waives the holding of a hearing within thirty (30) days and request a hearing in El Paso, Texas.

WHEREFORE, Cordova Living Trust requests relief from stay to foreclose its lien on the Collateral, or alternatively adequate protection, and such other and further relief to which it is entitled.

Respectfully submitted,

**TANZY AND BORREGO,  
P.L.L.C.**

/s/ Miguel A. Flores  
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Counsel for Creditor The Ricardo  
Cordova Living Trust FBO Alec  
Julian Herrera

**Certificate Of Service**

I hereby certify on this day, the 22 day of June 2023, a true correct copy of this Motion for Relief from Automatic Stay was served on all parties entitled to receive service through the Court's ECF system:



Miguel A. Flores  
Counsel for Creditor The Ricardo Cordova  
Living Trust

**Debtor**

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**Debtor's Counsel**

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**Subchapter V Trustee**

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